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Arizona State Board of Pharmacy

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BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of

MICHAEL SCHREY,

Holder of License No. T018007
As a Pharmacy Technician
In the State of Arizona

Board Case No. 12-0040-PHR

**CONSENT AGREEMENT
AND ORDER FOR REVOCATION
OF LICENSE**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Michael Schrey ("Respondent"), holder of Pharmacy Technician License Number T018007 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that he has a right to a public administrative hearing concerning this matter at which hearing he could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

7 4. Respondent understands that this Consent Agreement or any part of the
8 agreement may be considered in any future disciplinary action by the Board against him.

9 5. Respondent understands this Consent Agreement deals with Board
10 complaint number 4112 involving allegations of unprofessional conduct against
11 Respondent. The investigation into these allegations against Respondent shall be
12 concluded upon the Board's adoption of this Consent Agreement.

13 6. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

17 7. Respondent also understands that acceptance of this Consent Agreement
18 does not preclude any other agency, subdivision, or officer of this State from instituting
19 any other civil or criminal proceedings with respect to the conduct that is the subject of
20 this Consent Agreement.

21 8. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed by the
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1 Executive Director. Any modification to this original document is ineffective and void
2 unless mutually agreed by the parties in writing.

3 9. This Consent Agreement is subject to the approval of the Board and is
4 effective only when accepted by the Board and signed by the Executive Director. In the
5 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
6 be of no evidentiary value and shall not be relied upon nor introduced in any action by
7 any party, except that the parties agree that should the Board reject this Consent
8 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
9 Board was prejudiced by its review and discussion of this document or any records
10 relating thereto.

11 10. If a court of competent jurisdiction rules that any part of this Consent
12 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
13 shall remain in full force and effect.

14 11. Respondent understands that this Consent Agreement is a public record that
15 may be publicly disseminated as a formal action of the Board and may be reported as
16 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
17 Protection Data Bank.

18 12. Respondent understands that any violation of this Consent Agreement
19 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
20 1901.01(C) (16), -1927.01(A) (1).

21 13. Respondent agrees that the Board will adopt the following Findings of Fact,
22 Conclusions of Law and Order.

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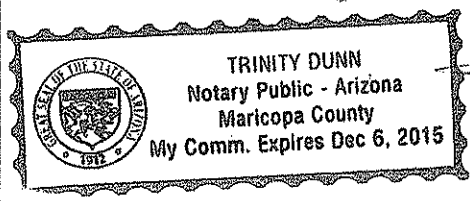
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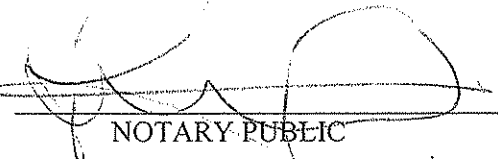
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2 ACCEPTED AND AGREED BY RESPONDENT

3
4 
Michael Schrey

Dated: 8/29/2017

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 29th day of August, 2012, by Michael Schrey.



9 
NOTARY PUBLIC

10 My Commission expires: 12/6/15

11
12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for licensing and regulating the
14 practice of pharmacy in the State of Arizona.

15 2. Respondent is the holder of license number T018007 to practice as a
16 pharmacy technician in the State of Arizona.

17 3. During all relevant times to these findings, Respondent worked as a
18 pharmacy technician at Wal-Mart Pharmacy #10-1532 located at 5845 W. Bell Road,
19 Phoenix, Arizona (the "Pharmacy").

20 4. On or before April 5, 2012 Respondent removed quantities of
21 Hydrocodone/APAP 10-650 tablets and Hydrocodone/APAP 10-325 tablets from the
22 Pharmacy stock shelves without a valid prescription and without paying for the
23 medication.
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1 5. On or about April 5, 2012 Respondent was interviewed by Wal-Mart
2 personnel regarding his activities relating to the stolen tablets of Hydrocodone and video
3 surveillance tape recordings of Respondent's activities. Respondent admitted that he had
4 stolen approximately 597 tablets of Hydrocodone/APAP 10-650 and approximately 693
5 tablets of Hydrocodone/APAP 10-325 from the Pharmacy for personal use.
6

7 6. Respondent was terminated from his employment with the Pharmacy for
8 violation of company policy stemming from his theft of these drugs.

9 CONCLUSIONS OF LAW

10 1. The Board possesses jurisdiction over the subject matter and over
11 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

12 2. The Board may discipline a pharmacy technician who has engaged in
13 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

14 3. The conduct and circumstances described above constitutes unprofessional
15 conduct pursuant to A.R.S. § 32-1901.01(C) (2) (Violating a federal or state law or
16 administrative rule relating to the manufacture or distribution of drugs or devices).

17 4. The conduct and circumstances described above constitutes unprofessional
18 conduct pursuant to A.R.S. § 32-1901.01 (C) (6) (Committing a felony, whether or not
19 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug
20 related offense).

21 5. The conduct and circumstances described above constitutes a violation of
22 A.R.S. § 32-1968 (A) (A prescription-only drug shall be dispensed only on a written or
23 electronically transmitted prescription from a licensed medical practitioner).

24 ...

25 ...

ORDER

Based upon the above Findings of Fact and Conclusions of Law above, the Board hereby enters its order revoking Respondent's Pharmacy Technician License No. T018007. Respondent may not apply for reinstatement of this license and may not apply for any other license or permit from the Board for two (2) years from the effective date of this Consent Agreement.

DATED this 27 day of September, 2012.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:


HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 27 day of Sept, 2012, with:

Arizona State Board of Pharmacy
1616 W. Adams Street
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 27 day of Sept, 2012, to:

Michael Schrey
4325 W. Mercer Lane
Glendale, Arizona 85304
Respondent

1 EXECUTED COPY OF THE FOREGOING MAILED
2 this 27 day of Sept., 2012, to:

3 Montgomery Lee
4 Assistant Attorney General
5 1275 W. Washington Street, CIV/LES
6 Phoenix, Arizona 85007
7 Attorney for the Board

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